

Remarks

Claims 6 and 16 have been canceled. Claims 1-5, 7-15 and 17-20 remain pending in the application and stand rejected. Claims 1 and 11 are amended in this Response. The Assignee respectfully traverses the rejection and requests allowance of claims 1-5, 7-15 and 17-20.

Claim Amendments

Independent claims 1 and 11 are amended to incorporate the limitations of claims 6 and 16, respectively, so that claim 1 and 11 provide that the second position of the first antenna allows the first antenna to operate as a back-up to a second antenna. Accordingly, claims 6 and 16 are now canceled.

New Matter Objection Under 35 U.S.C. § 132

The Office action states an objection under 35 U.S.C. § 132 to the current continuation application on the grounds that claim 4 introduces new matter not supported by the original disclosure. More specifically, the Office action asserts that the limitation "further comprising a second communication interface configured to transfer the antenna system command to the communication network for delivery to the first communication interface" is not supported in the original disclosure.

The Assignee respectfully disagrees with the objection. A second communication interface is represented by the particular example of modem 302 of Fig. 3. In another embodiment, a communication interface other than a modem may also be employed; modem 302 represents just one example of such an interface. Similarly, modem 306 is an example of the first communication interface, while the public communication network 304 provides an example of the communication network, as provided for in claim 4. Further support for each of these elements is presented at page 6, line 29, to page 7, line 14, wherein the current application discloses that "[m]odem 306 receives a modem command from modem 302 through public communication network 304 in step 404" of Fig. 4. This information is provided in the original disclosure of the patent application, U.S. Patent Application No. 09/981,169, now U.S. Patent No. 6,624,791, to which the current application claims priority. Thus, the Assignee asserts that

claim 4 does not introduce new matter, and respectfully requests that the objection under 35 U.S.C. § 132 be withdrawn.

Claim Rejection Under 35 U.S.C. § 112 – Written Description Requirement

Claims 4 and 5 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. More specifically, the Office action alleges, as above, that the claim 4 limitation of “further comprising a second communication interface configured to transfer the antenna system command to the communication network for delivery to the first communication interface” has no support in the specification as originally filed. Claim 5 is objected on the same grounds as depending from claim 4.

The Assignee respectfully disagrees, based on the foregoing discussion concerning the 35 U.S.C. § 132 new matter objection. Thus, the Assignee believes that the recited limitation of claim 4, and thus claim 5, is fully supported as originally filed, and respectfully requests that the 35 U.S.C. § 112 rejection of claims 4 and 5 be withdrawn.

Claim Rejection Under 35 U.S.C. § 102

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,239,744 to Singer et al. (hereinafter “Singer”). The Assignee respectfully traverses the rejection in light of the current amendments to independent claims 1 and 11 and the following discussion.

Independent claim 1 currently provides, in part, “a motor operatively coupled to the controller and to the first antenna and configured to process the motor control signal to move the first antenna from a first position to a second position *allowing the first antenna to operate as a back-up to a second antenna.*” As stated in the current application, the first antenna may thus act as a replacement for a defective second antenna, as an additional antenna to compensate for signal loss when the second antenna is obstructed, or the like. Page 9, lines 9-20.

The Office action indicates that “Singer further discloses further comprising a second antenna (i.e., another antenna 10) and wherein the second position (i.e., at least one of the position from the multiple position stored in memory) allows first antenna (i.e., antenna 10) to operate as a back-up to the second antenna (i.e., another antenna 10) (Fig. 1; Col. 7, lines 42 – Col. 8, line 2).” Pages 4-5 of the Office action. The Assignee respectfully disagrees. The

passage of Singer cited in the Office action discusses optimization of coverage of a base station having multiple antennas, as well as checking the individual position of each of the antennas. However, no discussion is provided in Singer regarding use of one antenna as back-up for another. Singer instead focuses on providing optimal coverage by way of a base station having multiple down-tilt antennas, each of which may be rotated downward to reduce the area irradiated by antennas of the base station, thus reducing interference between base stations. Column 3, line 19, through column 4, line 6. Given the disclosed embodiments, Singer neither contemplates nor suggests using one antenna as a back-up for another, as provided for in claim 1. Down-tilting the antennas, as opposed to translating an antenna or rotating an antenna laterally, will not provide back-up functionality for another antenna.

Based on at least the foregoing reasons, the Assignee thus believes claim 1 is allowable, and such indication is respectfully requested.

In addition, independent claim 11 provides similarly for employing a first antenna as a back-up for a second antenna. Therefore, based on the above remarks, the Assignee believes claim 11 is allowable for at least the reasons discussed above in support of claim 1, and such indication is respectfully requested.

Further, since claims 2-5 and 7-10 depend from independent claim 1, and claims 12-15 and 17-20 depend from independent claim 11, the Assignee asserts that each of these sets of dependent claims are allowable for at least the reasons provided above for their respective independent claims.

Claims 6 and 16 have been canceled, as provisions from those claims allowing the first antenna to operate as a back-up for a second antenna have been incorporated into independent claims 1 and 11, respectively. Thus, the rejections against claims 6 and 16 are rendered moot.

Therefore, the Assignee respectfully requests that the rejection of claims 1-20 be withdrawn.

Conclusion

The prior art made of record and not relied upon (i.e., U.S. Patent No. 6,697,642 to Thomas, U.S. Patent No. 6,667,714 to Solondz and U.S. Patent No. 4,749,995 to Hopwood et al.) have been reviewed and are not considered relevant to the current invention as claimed.

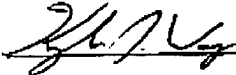
Based on the above remarks, the Assignee submits that claims 1-5, 7-15 and 17-20 are allowable. Additional reasons in support of patentability may exist, but such reasons are omitted in the interests of clarity and brevity. The Assignee respectfully requests allowance of claims 1-5, 7-15 and 17-20.

The Assignee believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

Date:

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